

REMARKS

Claims 1–13, and 15–17 are pending in this application. By this Amendment, claims 1–12 are amended, and claims 15–17 are added. Support for the amendments to the claims may be found, for example, in the original claims. No new matter is added.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Objections to the Specification

The Office Action objects to the specification for a number of informalities. As indicated above, attached is a substitute specification wherein the sequence identifiers and the use of trademarks are corrected. Accordingly, reconsideration and withdrawal of the objections are respectfully requested.

II. Information Disclosure Statement

The Office Action indicates that the Information Disclosure Statement (IDS) filed June 15, 2005 has not been considered because the form PTO-1449 listing the reference submitted with the IDS lists a different application number.

Applicant respectfully submits that the reference should have been considered because the IDS itself correctly identifies the application information, and the reference submitted with the IDS is cited in the specification. Nevertheless, in the interest of advancing prosecution, Applicants are filing herewith a new IDS with a corrected form PTO-1449. Applicants, however, do not provide another copy of the listed reference, as it was submitted and scanned into the image file wrapper on June 15, 2005.

Accordingly, the Examiner is requested to initial and return to the undersigned a copy of the subject Form PTO-1449 acknowledging consideration of the reference.

III. Rejection Under 35 U.S.C. §103

The Office Action rejects claims 1–13 under 35 U.S.C. §103(a) over WO 95/33206 to Gallarda et al. ("Gallarda") in view of Han et al., Biochemistry and Molecular Biology

International, 46(3):607–617, 1998 ("Han"), and further in view of inNovations, no. 11, June 2004 ("inNovations"). Applicant respectfully traverses the rejection.

By this Amendment, claim 1 is amended to require:

...at least two first nucleotide fragments each independently encoding an epitope region of a member selected from the group consisting of HIV-1 virus group M, HIV-1 virus group O, and HIV-2 virus, wherein at least one first nucleotide fragment encodes an epitope region of HIV-1 virus group M, and at least one first nucleotide fragment encodes an epitope region of HIV-1 virus group O...

(emphasis added). Despite their asserted teachings, Gallarda, Han, and inNovations, considered either separately or in combination, fail to teach or suggest a recombinant DNA according to claim 1.

The Office Action asserts that Gallarda discloses each of the epitopes encoded by SEQ ID NO:51, but acknowledges that Gallarda does not explicitly teach making a recombinant DNA encoding a chimeric protein or a chimeric protein containing the recited epitopes. *See* Office Action, page 6.

The Office Action relies on Han for its disclosure of a chimeric protein having HIV-1 and HIV-2 immunodominant epitopes, and a recombinant DNA encoding the protein. Nevertheless, Han fails to teach a chimeric protein having at least one first nucleotide fragment that encodes an epitope region of HIV-1 virus group M, and at least one first nucleotide fragment that encodes an epitope region of HIV-1 virus group O, or a recombinant DNA encoding the protein. Gallarda and inNovations fail to remedy this deficiency.

Claims 1 and 7 would not have been rendered obvious by Gallarda, Han, and inNovations. Claims 2–6 and 8–13, variously depend from claims 1 and 7 and, thus, also would not have been rendered obvious by Gallarda, Han, and inNovations. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

IV. New Claims

By this Amendment, new claims 15–17 are presented. New claims 15–17 depend from claim 1 and, thus, distinguish over the applied references for at least the reasons discussed above with respect to claim 1. Prompt examination and allowance of new claims 15–17 are respectfully requested.

V. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:JRB

Attachments:

Substitute Specification (clean and marked-up copies)

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